

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

James S. Burgett, Chairman
Walter C. Zaremba, Vice Chairman
Sheila S. Noll
Kenneth L. Bowman
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE AMENDING YORK COUNTY CODE § 15-49, RELATIVE TO THE KEEPING OF INOPERATIVE MOTOR VEHICLES, TRAILERS OR SEMITRAILERS ON PROPERTIES ZONED RESIDENTIAL OR COMMERCIAL, TO REQUIRE THAT ANY ADDITIONAL INOPERATIVE MOTOR VEHICLES KEPT ON PROPERTY FOR USE IN THE RESTORATION OR REPAIR OF ANOTHER INOPERATIVE MOTOR VEHICLE MUST BE SHIELDED OR SCREENED FROM VIEW, AND TO MAKE A VIOLATION OF THE ORDINANCE PUNISHABLE BY THE IMPOSITION OF A MONETARY CIVIL PENALTY.

WHEREAS, the 2005 General Assembly adopted Senate Bill 1313 (Chapter 775 of the 2005 Acts of the Virginia General Assembly) amending Code of Virginia § 15.2-904 relative to the authority of localities to regulate the keeping of certain inoperative vehicles on residential or commercial property, to specify that any additional inoperative motor vehicles kept upon such property to be used in the restoration or repair of another inoperative motor vehicle must be shielded or screened from view; and

WHEREAS, this Board desires to amend County code § 15-49 to be consistent with new language added to the statute by Senate Bill 1313.

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this ____ day of _____, 2005, that section 15-49, York County Code, be and it is hereby amended to read and provide as follows, such amendment to become effective as of July 1, 2005:

Sec. 15-49. Keeping of inoperative motor vehicles, trailers or semitrailers on property zoned residential or commercial.

- (a) It shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential or commercial purposes pursuant to chapter 24.1, Zoning, of this Code any motor vehicle, trailer or semitrailer, as such are defined in section 46.2-100, Code of Virginia, which is inoperative. As used in this section, "shielded or screened from view" means not visible by someone standing at ground level from outside the property on which the subject vehicle is located.
- (b) It shall be unlawful for any person, firm or corporation on any property zoned for residential or commercial purposes pursuant to chapter 24.1, Zoning, of this Code to keep more than one (1) inoperative motor vehicle, even if shielded or screened from view by covers, unless they are kept within a fully enclosed building or structure. Notwithstanding the foregoing, however, if the owner of such vehicle shielded or screened from view but not within a fully enclosed building or structure, can demonstrate that he is actively restoring or repairing the vehicle, and if it is shielded or screened from view, the vehicle and one additional inoperative motor vehicle that is shielded or screened from view and being used for restoration or repair may remain on the property. Any person, firm or corporation operating in a commercial district a use permitted by category 12, Motor Vehicle/Transportation, of section 24.1-306 of this Code may keep more than one (1) inoperative motor vehicle outside a fully enclosed building or structure provided it is shielded or screened from view and otherwise conforms with the requirements of this Code.
- (c) As used in this section, an "inoperative motor vehicle" shall mean any motor vehicle which is not in operating condition, or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for operation of the vehicle, or on which there are displayed neither valid license plates nor a valid inspection decal.
- (d) The provisions of this section shall not apply to a licensed business which on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor, nor shall it apply to any motor vehicle for which the annual license tax required by section 15-31 has been paid or to any motor vehicle exempt from such license tax by virtue of subsections 15-35(a) through and including 15-35(o).
- (e) The owners of property zoned for residential or commercial purposes shall, by the effective date of the ordinance from which this section was derived, comply with the provisions of this section.

- (f) The county administrator may remove or cause to be removed any such inoperative motor vehicles, trailers or semitrailers whenever the owner of the premises, after reasonable notice, has failed to do so.
- (g) In the event the county administrator removes or causes to be removed any such inoperative motor vehicles, trailers or semitrailers, after having given such reasonable notice, the county may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle.
- (h) The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the treasurer as taxes and levies are collected.
- (i) Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs has been made to the county.
- (j) ~~A violation of this section shall constitute a Class 3 misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00).~~ A violation of this section shall be subject to a civil penalty, not to exceed fifty dollars (\$50.00) for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed two hundred dollars (\$200.00). Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of three thousand dollars (\$3,000.00) in a 12-month period. Notwithstanding the foregoing, a violation of this section shall constitute a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or for a similar violation, not arising from the same set of operative facts, within a 24-month period. The classifying of such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.